

Application No.: 10/786,162Docket No.: 713-1008**REMARKS**

The Examiner's indication of allowable subject matter of claims 7-8 and 16-17 is noted with appreciation.

Claims 1-18 and 26-28 are pending in the application. Non-elected claims 19-26 have been cancelled. Claims 1-18 have been amended to improve claim language and to broaden the claim scope while remaining distinguishable over the art. New claims 26-28, readable on the elected invention, have been added to provide Applicants with the scope of protection to which they are believed entitled. The specification and Abstract have been revised to be in better form. No new matter has been introduced through the foregoing amendments.

The objection to the specification is believed overcome in view of the above amendments.

The 35 U.S.C. 103(a) rejection of claims 1-6, 9-15 and 18 as being obvious over *EP 0 811 554* in view of *Webb* (U.S. Patent No. 2,348,043) is traversed, because the teaching reference of *Webb* is non-analogous art.

The claimed invention belongs to the field of wrapping machines for wrapping a foil around an object to be packaged. *Webb*, on the other hand, relates to stands for sewing machines. A person of ordinary skill, seeking to solve a problem of a wrapping machine, would not reasonably be expected or motivated to look to stands for sewing machines. Therefore, *Webb* is non-analogous art that cannot be applied against the claims of the instant application under 35 U.S.C. 103(a).

The Examiner's obviousness rejection is further traversed, because the references as applied by the Examiner fail to teach, singly or in combination, all limitations of the rejected claims, e.g., the cross members of independent claims 1 and 10.

It is sufficient to note that the primary reference, i.e., *EP 0 811 554*, clearly fails to teach or suggest the missing claim element. See, e.g., FIG. 1 of *EP 0 811 554* where only the columns are

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disclosed. The Examiner has also failed to specify, with reasonable clarity, in his rejection how the highlighted claim element is taught in the references. *See*, e.g., the last full paragraph on page 3 of the Office Action. Accordingly, it is respectfully submitted that a *prima facie* case of obviousness has not been established and the 35 U.S.C. 103(a) rejection should be withdrawn.

As to claims 4 and 13, Applicants do not agree with the Examiner's position that the references, especially *Webb*, teach the claimed lower column part comprising a supporting element supporting the lifting frame. Element p of *Webb* is a cushion that is inserted between the end frame and tube D. *See* page 2, lines 55-58 of *Webb*. Element p is not disclosed by *Webb* to be part of the lower column part. *See* FIG. 1 of *Webb* in which cushion p is not illustrated. Therefore, *Webb* fails to teach or suggest a lower column part comprising a supporting element as presently claimed.

As to amended claims 7-9 and 16-18, the applied references clearly fail to teach or suggest the original limitation of allowable, original claim 7, i.e., a belt having a first end secured to an upper end of one of the columns and a second end secured to the drive belt pulley. Therefore, amended claims 7-9 are patentable over the applied art of record.

As to new claim 26, the applied references clearly fail to teach or suggest the now claimed packaged configuration in which the upper column parts are detached from the respective lower columns parts, and the lifting frame rests on the supporting elements of the lower column parts so as to be completely located below exposed upper ends of the lower column parts.

The reference that appears to teach a packaged configuration is *Webb*. However, *Webb* does not teach detaching the upper column parts from the corresponding lower ones. The reference only teaches folding the upper column parts by pivoting them about their joints with the corresponding lower column parts. In the *Webb* "packaged configuration" shown in FIG. 2, the upper column parts remain attached, by wing nuts and bolts f, to the lower column parts, without being detached therefrom.

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In addition, *Webb* relates to stands for sewing machines, and not to sewing machines *per se*. The object of *web* is to fold the stands, and not the machines, as compact as possible. Therefore, the heights of the *Webb* lower column parts need only be sufficient to accommodate the thicknesses of the folded upper column parts as best seen in FIG. 2; the heights of the *Webb* lower column parts are neither disclosed nor suggested by the reference to be sufficient to accommodate the thickness of the entire machine. Now, assuming *arguendo* that a person of ordinary skill in the art would be motivated by the *Webb* teachings to combined EP 0 811 554 with *Webb*, he or she would have, at best, provided the EP 0 811 554 machine with lower column parts which are sufficiently high only to accommodate the thicknesses of the folded upper column parts. In such a hypothetical combined device, the EP 0 811 554 lifting frame and foil dispenser would have protruded upwardly above, rather than being completely located below, the upper ends of the lower column parts. Thus, even if *Webb* and EP 0 811 554 were combinable, which Applicants contend to the contrary, the combined device would still fail to teach or suggest all limitations of new claim 26.

As to new claim 27, the applied references clearly fail to teach or suggest the claimed feature that only the lower column parts are connected to each other by the cross members, whereas the upper column parts are not directly connected by any of the cross members. This limitation is similar to an original limitation of claim 1 which has not been specified, with reasonable clarity, by the Examiner in his rejection. See, e.g., the last full paragraph on page 3 of the Office Action. Therefore, the references, as applied by the Examiner, do not render new claim 27 obvious.

As to new claim 28, the applied references clearly fail to teach or suggest the claimed feature that an upper end of each of the lower column parts is hollow for receiving therein one of the splice joint elements with the upper end of the lower column part completely surrounds said splice joint element. See FIG. 2 of the instant application. The teaching reference of *Webb* clearly fails to teach or suggest the highlighted limitation because the upper end of the lower column part must have an opening (best seen at h' in FIG. 1) to allow the folding of the corresponding upper

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column part. Thus, the upper end of the *Webb* lower column part covers only three sides of, rather than completely, the respective splice joint element (best seen at d' in FIG. 2).

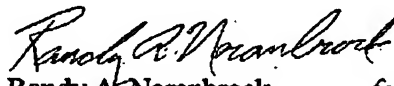
Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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